

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 21, 22, 25-31, 34-41, and 46-60 are currently pending. Claims 21, 30, 39, 40, and 49-52 have been amended; and Claims 53-60 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claim 40 was objected to as containing an informality; and Claims 21, 22, 25-31, 34-41, and 46-52 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,486,790 to Selinfreund et al. (hereinafter “the ‘790 patent”).

Applicants respectfully submit that the objection to Claim 40 is rendered moot by the present amendment to that claim. Accordingly, the objection is believed to have been overcome.

Amended Claim 21 is directed to a storage medium having stored thereon data representing at least one stream of content cells, the content cells being linked in accordance with navigation data, wherein at least one of said navigation data and the at least one stream of content cells is arranged such that accessing the data on the storage medium in a copy mode, in which the content cells are not accessed according to said navigation data, provides disturbed data access of reduced quality, whereas accessing the data on the storage medium in a reproduction mode, in which the content cells are accessed according to said navigation data, provides undisturbed access, the storage medium having further stored thereon at least one reproduction obstructing cell physically stored before or after a linked content cell, said at least one reproduction obstructing cell being arranged such that access in said reproduction mode includes navigating around said at least one reproduction obstructing cell when linked

content cells are accessed, whereas access in said copy mode includes accessing linked content cells in addition to said at least one reproduction obstructing cell. The changes to Claim 21 are supported by the originally filed specification and do not add new matter.

Applicants respectfully submit that the rejection of Claim 21 is rendered moot by the present amendment to that claim.

The ‘790 patent is directed to a method for controlling access to a storage medium, wherein light sensitive material is adapted to change state and affect reading of the storage medium, so as to control access to data that is stored on the storage medium. In particular, the ‘790 patent discloses that a light-sensitive material is characterized by displaying at least two different optical states to an optical reader, the first optical state occurring prior to exposure to an activating radiation, and the second optical state occurring after exposure to the activating radiation. Thus, the ‘790 patent discloses that the light-sensitive material can be used to determine whether a CD, for example, is authentic, by scanning the CD for light-emitting regions, exposing the CD to light to cause a change in the state, followed by a subsequent scan for the light-emitting regions.

Further, the ‘790 patent discloses that the light-sensitive material may have a persistence, e.g., a time period in which the light-sensitive material remains in an altered state before changing to another state. Further, the ‘790 patent discloses that if the light-sensitive materials are chosen so that their presence cannot be detected during a single read using oversampling, e.g., delay time is greater than the total read time including oversampling, the reader may be directed to reread the same area of the medium a short time after the initial read, and the light sensitive material may have changed state.¹

However, Applicants respectfully submit that the ‘790 patent fails to disclose a storage medium, wherein at least one of the navigation data and the at least one stream of

¹ See the ‘790 patent, column 9, lines 6-12.

content cells is arranged such that accessing the data on the storage medium in a copy mode, in which the content cells are not accessed according to the navigation data, provides disturbed access of reduced quality, whereas access in the data on the storage medium in a reproduction mode, in which the content cells are accessed according to the navigation data, provides undisturbed access, as recited in amended Claim 1.

In this regard, Applicants note that the Office Action states that “[t]he claimed ‘navigation data’ is interpreted by the examiner to pertain to the ‘tracks’ and ‘sectors’ within Selinfreund.”² Further, the Office Action notes that the ‘790 application discloses that light-sensitive material may disturb access of the data on a disk, but that instructions provided to authorize users of a software program may provide a map for avoiding these traps by having the installation program read a specific track, and then wait a specified time to access an adjacent track.³ Thus, the Office Action then asserts that the access using the instructions corresponds to the claimed “reproduction mode” for undisturbed access.

However, Applicants respectfully submit that the ‘790 application discloses the use of tracks and sectors in both disturbed and undisturbed access, and the ‘790 application fails to disclose that, in the copy mode, the content cells are not accessed according to tracks or sectors (the asserted navigation data). Thus, using the Office Action’s interpretation of the claimed navigation data, the ‘790 patent would need to disclose, according to amended Claim 21, that in the undisturbed access disclosed by the ‘790 patent, the cells are not accessed according to tracks and sectors. This limitation is clearly not disclosed by the ‘790 patent.

Accordingly, for the reasons stated above, Applicants respectfully submit that the rejection of Claim 21 (and all associated dependent claims) is rendered moot by the present amendment to Claim 21, and that Claim 21 patentably defines over the ‘790 patent.

² See page 4 of the Office Action.

³ See ‘790 patent, column 32, lines 47-63.

Independent Claims 30, 49, and 51 recite limitations analogous to the limitations recited in Claim 21, and have been amended in a manner analogous to the amendment to Claim 21. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 30, 49, and 51 (and all associated dependent claims) are rendered moot by the present amendment to Claims 30, 49, and 51.

Amended Claim 39 is directed to:

[a] method for producing at least one copy of at least a portion of data stored on a first storage medium, the first storage medium having stored thereon data representing at least one stream of content cells, the method comprising:

linking the content cells in accordance with navigation data, wherein to produce the at least one copy, data representing the at least one stream of cells is accessed in accordance with the navigation data and wherein said accessed data is transferred as a copy to a second storage medium.

Applicants respectfully traverse the rejection of Claim 39 as anticipated by the ‘790 patent. In particular, as discussed above, Applicants respectfully submit that the ‘790 patent fails to disclose linking content cells in accordance with navigation data, wherein to produce the least one copy, data representing the at least one stream of cells is accessed in accordance with the navigation data, and wherein the accessed data is transferred as a copy to a second storage medium, as recited in Claim 39. In particular, Applicants respectfully submit that the ‘790 patent does not disclose linking content cells in accordance with navigation data, as required by Claim 39. In this regard, Applicants note that the Office Action on page 8 does not explain how content cells are linked in accordance with navigation data, even if navigation data is broadly interpreted to be a “track”, as previously asserted by the Office Action.

Further, Applicants note that the passages in columns 2, 3, and 10 cited by the outstanding Office Action do not disclose any type of navigation data. The passages in columns 2 and 3 merely states that software may be distributed on a medium that includes a

light sensitive material, which provides a code allowing the user of the medium to access a portion of the data contained on the medium. Further, Applicants note that the passage in column 10, lines 45-65 discusses determining whether the medium is authentic, as opposed to an unauthorized copy, by comparing two signals generated during first and second read cycles. However, Applicants note that the passage in column 10 is silent regarding any type of copying to a second storage medium, and is completely silent regarding accessing data representing at least one stream of cells in consideration of navigation data, as required by Claim 39.

Accordingly, for the reasons stated above, Applicants respectfully traverse the rejection of Claim 39 (and all associated dependent claims) as anticipated by the ‘790 patent.

Further, Applicants note that Claim 40, which depends from Claim 39, clarifies that the method includes the step of determining all reproduction obstructing cells physically stored before or after a linked content cell, and modifying or removing the determined reproduction obstructing cells such that the copy of the storage medium is not obstructed. In this regard, Applicants note that the Office Action cites to the exact same passages in columns 2 and 10 as were used to reject Claim 39. As discussed above, not only do these passages not disclose navigation data, they do not disclose reproduction obstructing cells or modifying or removing the cells such that a copy is not obstructed. The passages cited by the outstanding Office Action do not relate to copying, and do not relate to modifying or removing reproduction obstructing cells, as required by Claim 40. Accordingly, for this additional reason, Applicants respectfully submit that Claim 40 patentably defines over the ‘790 patent.

The present amendment also sets forth new dependent Claims 53-60 for examination on the merits. New Claims 53-57 depend from Claim 49, while new Claims 58-60 depend from Claim 51. New Claims 53-60 are supported by the originally filed specification and do

not add new matter. For example, new Claims 53 and 57 are supported by previous Claims 49 and 51, while Claims 54 and 58 are supported by Figures 1 and 2 and the corresponding discussion on page 15, line 1 through page 17, line 2 of the specification. New Claims 55 and 59 are supported by the specification on page 7, lines 15-20, while new Claims 56 and 60 are supported by the specification on page 5, lines 21-23.

New Claim 55, which depends from Claim 49, states that the navigation data is stored in a route navigation file that is stored on the storage medium. Applicants respectfully submit that the ‘790 patent is silent regarding this feature. In particular, Applicants note that storing the navigation data in a route navigation file is contrary to the Office Action and its interpretation of the ‘790 patent as disclosing navigation data as tracks and sectors.

Further, new Claim 54, which depends from Claim 49, states that a number of content cells that is accessed in the copy mode is greater than or equal to a number of content cells that is accessed according to the reproduction mode. Applicants respectfully submit that this limitation is not disclosed by the ‘790 patent. On the contrary, column 3 of the ‘790 patent clearly discloses that fewer content cells are accessed in the disturbed access mode.

New Claim 53, which depends from Claim 49, clarifies that the storage medium further includes a physical storage arrangement of at least one content cell of the at least one stream of link content cells that is not in conformity with the linking order of the content cells such that the copy mode will access the at least one stream of linked content cells in an order as physically stored, and the reproduction mode will access the at least one stream of linked content cells in an order conforming to the linking order of the content cells. Applicants note that the Office Action appears to rely on columns 5, 8, 9, and 10 as disclosing this limitation. Applicants respectfully traverse this assertion. The passages cited in the ‘790 patent disclose that the light-sensitive material can be used to verify that the CD is authentic by causing a

change from a first state to a second state when illuminated.⁴ Thus, the '790 patent discloses that the content of a single data item may be changed due to the illumination. Thereafter, the '790 patent discloses that the changed content is used to determine whether the CD is authentic or not. However, Applicants respectfully submit that the '790 patent is silent regarding changing a linking order of the content cells, as required by new Claim 53.

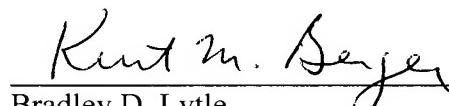
For the reasons stated above, Applicants respectfully submit that new Claims 53-60 are supported by the originally filed specification and patentably define over the '790 patent.

Thus, it is respectfully submitted that independent Claims 21, 30, 39, and 49-52 (and all associated dependent claims) patentably define over the '790 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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⁴ See column 5, lines 12-15 and 32-34.